

Remarks

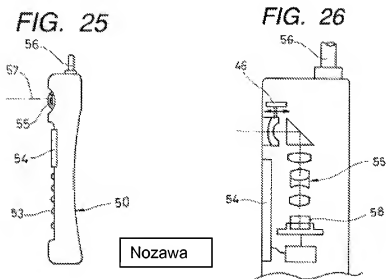
Applicants respond to the Office Action dated October 3, 2008. Claims 1-9 are pending in the application. Claims 10-15 have been canceled. Claim 4 has been amended to delete the drawing reference number.

Rejections Under 35 U.S.C. §103

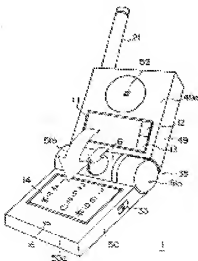
Claims 1-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Umezawa et al. (US 5,491,507) in view of Nozawa et al. (US 6,339,508). The Examiner acknowledges "Umezawa et al. does not explicitly disclose that the image producing apparatus is located in the first housing portion or the second housing portion of the portable communication apparatus, and an optical arrangement extends an optical path of the image producing apparatus from the first housing portion or the second housing portion to the optical input located in the rotary support member". The Examiner also acknowledges that Nozawa et al. fails to disclose that the telephone is a foldable type telephone wherein the lens is located at the hinge of the telephone as shown in Umezawa. Nevertheless, the Examiner contends that it would have been obvious to modify the teaching of Umezawa to have the image producing apparatus located in the first housing portion or in the second housing portion of the portable communication apparatus, and further, to have the optical arrangement extend an optical path of the image producing apparatus from the first housing portion or the second housing portion to the optical input located in the rotary support member. In the Office Action, this allegation of obviousness is based on the teachings of Nozawa of the main lens located at a first location and a sensor located at a different location along the length of the body of the telephone for the purpose of reducing the size of the telephone.

Applicants respectfully disagree with the Examiner's contention because one skilled in the art would not look to Nozawa to cure the deficiencies of Umezawa. With reference to FIG. 25 of Nozawa et al. (shown below), there is disclosed a non-foldable cell phone 50 having an image producing apparatus and an optical input for the image producing apparatus located in the body of the cell phone. According to FIG. 26, the image producing apparatus is located in the body of the cell phone, and an optical arrangement forms an optical path 57 of the image producing apparatus from a

particular location of the body of the cell phone to a location along the length of the body of the cell phone. Nozawa et al. further discloses that the arrangement includes a prism used as a reflection member to direct the light entering the lens 55 to the image sensor, wherein the optical path 57 is folded.



Contrary to the Examiner's assertion concerning size, if one skilled in the art would consider reducing the size of the foldable apparatus of Umezawa and if possible, to thin the body of the telephone, he or she would not combine Umezawa with the teachings of Nozawa because Nozawa teaches a non-adjustable optical angle. With reference to FIG. 13 of Umezawa (shown below) and the associated text at column 15, lines 14-15, the camera 61 of the foldable telephone is turnably mounted in the assembled structure of the hinges 51a and 51b.



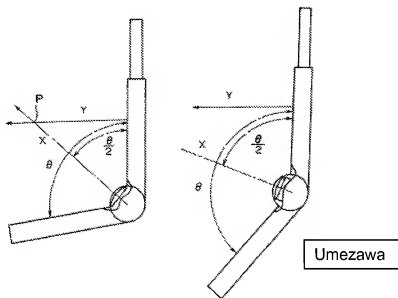
Umezawa

FIG. 13

Referring to lines 43-51 of column 15, the camera 61 is attached to coupling parts based on the hinges 51a and 51b. More precisely, the camera is mounted at a position intermediate between the left hinge 51b and the right hinge 51a. The angular position of the camera 61 is changed with the opening or shutting movement (unfolding or folding movement) of the first unit 49 and second unit 50.

FIG. 16(A)

FIG. 16(B)



With further reference to Umezawa at column 16, lines 13-38 and corresponding FIGS. 16(A) and 16(B), when the first unit 49 and the second unit 50 are opened (unfolded), the camera 61 has its angular position changed by the stresses of the torsion springs 55a and 55b. Camera 61 has an optical axis X which is orthogonal to the longitudinal direction thereof. Since both torsion springs 55a and 55b are balanced, the camera 61 is moved so that the optical axis X is always located at the central angular position of the open angle theta (θ) between the first unit 49 and the second unit 50. That is, the camera 61 has its facing direction changed in accordance with the angle theta of the equipment 1. The arrangement and the "angle keeping mechanism" (e.g., torsion springs) of the camera enable easy viewing of the display panel 11 while the face of the person talking, namely the user, is captured by the camera. In addition, the visibility of the display panel and the photographing position of the camera 61 can be easily adjusted. It is further disclosed that, in the storage position, the whole equipment is thin and flat, so that storability and portability are advantageous.

The non-foldable cell phone according to FIG. 26 of Nozawa et al. provides an optical arrangement that forms an optical path of the image producing apparatus from a particular location of the body of the cell phone to a location along the length of the body of the cell phone arranged with a fixed mutual angle. The fixed angle of the Nozawa optical system is completely in contrast to the adjustable angle of the camera of Umezawa. This fact would lead one skilled in the art away from a combination of Umezawa and Nozawa.

Applicants respectfully submit that motivation to modify Umezawa proposed by the Office Action, e.g., to reduce the size of the body of the telephone, is not supported by the evidence of record. One skilled in the art looking to reduce the size of the telephone of Umezawa would not look to the non-foldable, fixed angle camera of Nozawa. For at least the foregoing reasons, the rejection of claim 1 and claims 2-8 dependent therefrom should be withdrawn.

Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Umezawa et al. (US 5,491,507) in view of Nozawa et al. (US 6,339,508), and further in view of Nishino et al. (US 2001/0005454). The Examiner acknowledges that the combined teachings of Umezawa et al. and Nozawa et al. fail to teach the connection between the first housing portion and the rotary support member being fixed, with the optical input of the image producing apparatus being rotatably fixed relative to the first housing portion. Nevertheless, the Examiner contends that it would have been obvious to include such feature based on the teachings of Nishino et al.

Applicants respectfully disagree with the Examiner's contention and request withdrawal of the rejection. As discussed above with regard to claims 1-8, one skilled in the art would not have been motivated to modify the foldable telephone of Umezawa, which has an easily adjustable camera, based on teachings of Nozawa of a non-foldable, fixed angle camera. Furthermore, one skilled in the art would not have been motivated to modify the telephone of Umezawa based on the teachings of Nishino because Nishino also teaches a camera having a fixed optical angle.

Nishino discloses a device having a hinge portion 1e (of FIG. 10A below) fixed to the first housing 1Y, so that when the first housing is rotated (FIG. 10B), the camera 2 is rotated with the first housing.

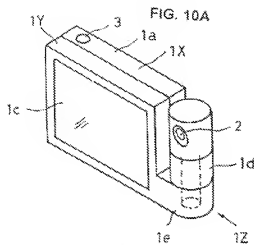
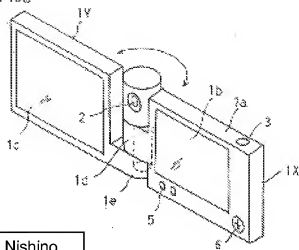


FIG. 10B



The connection between the first housing portion 1Y of Nishino and the rotary member containing camera 2 is permanently fixed, so that the optical input of the camera 2 is permanently fixed, so that the optical input of the camera 2 is rotatably fixed relative to the first housing portion 1Y. Modifying the telephone of Umezawa to include a fixed connection between the first housing portion and the rotary member would prevent the user from capturing images of himself or herself while watching the display in accordance with the teachings of an Umezawa. As discussed above, the camera 61 of Umezawa has its facing direction changed in correspondence with the adjustable turning angle theta of the equipment 1. Having the image producing apparatus of Umezawa rotatably fixed relative to the first housing portion as taught by Nishino would prevent easy adjustment of the visibility of the display panel and the photographing position of the camera, which is the object of the solution provided by Umezawa.

For easy adjustment of the camera angle for photographing and for display viewing ease, one skilled in the art would be lead, based on the teaching of Umezawa, to have an adjustable connection between the first housing and the rotatable member, rather than a fixed connection. However, with the adjustable connection of Umezawa, it would not be possible to have an optical arrangement that forms an optical path from an image producing apparatus in a first location of the telephone body to a second location along the length of the body arranged with a fixed angle as taught by Nozawa. Thus, the evidence of record does not provide a rational basis for one skilled in the art to combine the teachings of the cited documents.

For at least these reasons, the subject matter of claim 9 would not have been obvious to a person having ordinary skill in the art in view of Umezawa in combination with Nozawa and Nishino. Accordingly, it is respectfully submitted that the rejection of claim 9 should be withdrawn.

Conclusion

In view of the foregoing, it is believed that all of claims 1-9 are patentable over the applied references, and, accordingly, a request is made for timely issuance of a notice of allowance.

If there are any questions or if the Examiner feels that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is respectfully requested to telephone applicant's attorney at the number below.

Respectfully submitted,

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/Denise G. Bachtel/
Denise G. Bachtel

March 2, 2009
Date